

Green Christmas Trees

They help to make the Christmas merrier.

Order yours now. A telephone message will do, and makes sure that you will not be disappointed.

Although we will have a large number in time for Christmas, present indications point to an unusually large demand.

HENRY MAY & CO., LTD.

Retail 22—Telephones—Wholesale 92



The Man Behind the Brush!

The old time magician waved his wand and your wish was granted!

The present day magician waves a paint brush and lo! what a change from a dingy looking place your house appears arrayed in colors that please the eye, improves the property—and advertises your city as being up-to-date and prosperous.

STANLEY STEPHENSON,
The Wizard of the Paint Brush.
Phone 426. 137 King street.
—Sien S. S. Signs—

CHRISTMAS PIANOS

Time to think about making a choice. We will reserve any instrument you may select and deliver it at Christmas time. Sold on easy payments.

Bergstrom Music Co., Ltd.

The Most Important Furnishings

in an artistically appointed home are pretty

Rugs

Our Japanese blue and white cotton rugs and Chinese twisted matting rugs are liked best for dining room, bedrooms and bathroom by every housekeeper who has seen them.

They are exceedingly handsome, very serviceable and, best of all, very low priced.

Greater variety of sizes than American and European Rugs, and specially attractive patterns now here.

Lewers & Cooke, Ltd.

177 S. KING STREET.

ELEGANT HOLIDAY Furniture

We will soon have ready for inspection the finest assortment ever brought to this city.

Porter Furniture Co.
YOUNG BUILDING.

POTATOES \$1.10 per Sack
to \$1.60 per Sack

APPLES

ONIONS

Potato Warehouse.
SMITH ST. NEAR KING.

Lovejoy & Co.

Liquor Dealers.

Nuuanu and Merchant Sts.
Phone Main 308.

The Miller Candy Co.

Will open today with a full line of Fresh Home Made Candies across the street from the restaurant, Hotel street.

—Come and see the Candy Made.

FIGHT OVER KONA SALE

Confirmation Is For the Time Held Up.

Embezzlement Law In Richardson's Case Ventilated.

Waikiki Beach Case—Rapid Transit Co. Sued—General Court Items.

There was a warm contest before Judge Robinson late yesterday afternoon over the question of the confirmation of the sale of South Kona property under foreclosure in the suit of H. Hackfeld & Co., Ltd., vs. W. C. Achi, Kapiolani Estate, Ltd., W. R. Castle and J. M. Monsarrat.

Mr. Withington, representing Mr. Castle, attacked the report of the receiver, Franz Buchholtz, saying the building of the fence to make a corral for rounding up the stock on the premises was unnecessary. He went on to say that it was an unheard-of proceeding to sell stock without giving information at the sale regarding the number of animals, whether it was one or a hundred head.

Mr. Ashford, on behalf of Kapiolani Estate, took up the same objection of blind selling of stock and went on to question if the best advantage had been obtained by all concerned from the sale as a whole. He was informed, when in Kona some time ago, that it was next to impossible to buy land in that section. The land was held in large tracts, most of it by "that old man of the sea, the Bishop Estate, resting on the country's neck and likely to continue so doing for generations to come."

Mr. Cooper, representing the plaintiff and petitioner, replied, maintaining that all the proceedings had been conducted with utmost publicity and the contestants were themselves to blame for any lack of information under which they might labor. It was contended that the court, in proceedings before the sale, passed upon all of the objections now raised. Finally, with the consent of the court, he proceeded to read the report of sale with accompanying affidavits as to notice, sufficiency of value realized, etc.

Messrs. Ashford and Withington joined in objections to the documents and when they were overruled noted exceptions. Next they strongly opposed the formal motion for confirmation of the sale.

Mr. Cooper argued that the case was different from that of Silva vs. Lopez, as the mortgage here did not enumerate

THE WORRIED WOMEN.

They say men must work and women must weep; but alas, in this too busy world women often have to work and weep at the same time. Their holidays are too few and their work heavy and monotonous. It makes them nervous and irritable. The depressed and worried woman loses her appetite and grows thin and feeble. Once in a while she has spells of palpitation and has to lie up for a day or two. If some disease like influenza or malarial fever happens to prevail she is almost certain to have an attack of it, and that often paves the way for chronic troubles of the throat, lungs and other organs; and there is no saying what the end may be. Let the tired and overladen woman rest as much as possible; and, above all, place at her command a bottle of **WAMPOLE'S PREPARATION** a true and sure remedy for the ills and maladies of women. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. Search the world over and you will find nothing to equal it. Taken before meals it improves the nutritive value of ordinary foods by making them easier to assimilate, and has carried hope and good cheer into thousands of homes. It is absolutely reliable and effective in Nervous Dyspepsia, Impaired Nutrition, Low Vitality, Wasting Conditions, Melancholy, Chlorosis, Scrofula, and all troubles of the Throat and Lungs. Dr. E. J. Boyes says: "I have found it a preparation of great merit. In a recent case a patient gained nearly twenty pounds in two months' treatment, in which it was the principal remedial agent." It carries the guarantee of reliability and cannot fail or disappoint you. At chemists.

ate the cattle, hence the wording of the notice was exactly in conformity with the terms of the mortgage. The mortgage was general in its terms and the sale likewise.

Mr. Withington warmly contended that the price obtained was ridiculously small, and represented it to be improper that the sale should have been made to an officer of the court, meaning the receiver, who was the only person having definite information of the property that was sold.

Mr. Cooper objected to any appearance for W. R. Castle, as he had no interest in the property sold. His mortgage was of other land. There was no surplus in question, the debt being \$37,000 and the realization \$13,000, in round figures.

Judge Robinson was about to make an order confirming the sale, when Mr. Withington asked if that was to be done without a hearing. In answer to the court he said he had evidence to put in if permitted.

The hearing was therefore extended, and Mr. Cooper, being called by Mr. Withington, testified regarding the circumstances of the sale.

Mr. Monsarrat, who in the meantime had formally protested against confirmation for the purpose of saving his own rights, was not called. His statement that Mr. Buchholtz wrote to him saying the property was worth \$50,000 was struck out, as not responsive to the question of value at sale, when he had explained that the letter was written some years ago. However, he testified his belief that the value of the property at the time of sale was at least double what it sold for.

At 5:25 Mr. Withington begged for continuance of the hearing, saying he had been on a jury case all day, besides attending to several other matters.

"Perhaps the court is ready to rule," Mr. Cooper suggested, but, after some conversation, the hearing was continued until 4 p. m. Monday.

LAW OF EMBEZZLEMENT.

An important point was before the Supreme Court yesterday in the case of Edward Vivian Richardson, charged with embezzlement as clerk of the Honolulu Water Works. E. C. Peters represented the Territory, and A. G. M. Robertson the defendant.

Mr. Robertson contended, producing authorities from different States, that Richardson was not liable to indictment under the statute referred to therein, because there was no law that made the clerk of the Water Works bureau an official charged with, and responsible for, the custody of public money. A distinction was drawn between the general statute of embezzlement and the provision in the Audit Act under which Treasurer W. H. Wright was indicted, which declared certain officials to be public accountants and responsible for moneys coming into their hands as such. Counsel argued that Richardson's office was not that of a public accountant.

Mr. Peters in reply laid stress on the provision of the embezzlement statute, making one an embezzler who converted money to his own use which had been received by him in a public capacity either through "appointment" or "regulation."

SEA FRONTAGE DISPUTE.

One of the cases recently argued and submitted before the Supreme Court is that of Territory of Hawaii vs. L. B. Kerr. The defendant appeals from an injunction against building a retaining wall into the sea at Waikiki, taking in new land from the domain of the Pacific Ocean. P. L. Weaver represented the Territory and S. H. Derby the defendant.

FUNERAL WRECKING SUIT.

Return of summons for the January term has been made in a suit brought by Francis Jose against Honolulu Rapid Transit and Land Co., claiming \$5000 damages on account of the wrecking of the hearse containing the dead body of the plaintiff's wife, from being struck by an electric car on King street on the 4th day of September, 1904. It is alleged that the car was negligently and at an unlawful rate of speed being driven at the time and place of the collision and that no bell, gong or alarm was sounded before the car struck the hearse. The hearse was broken and the coffin demolished. It is represented, with consequences whereby the plaintiff "was greatly nauseated and sickened and sustained and suffered a great nervous shock, and sustained and suffered great mental anguish and pain." A. S. Humphreys is attorney for plaintiff.

OLD DIVORCE CASE.

The divorce case of Mary Naukana Duncan vs. Adam L. Duncan, in which an order of temporary alimony of \$5 a week was made on March 27, 1903, came on again before Judge De Bolt yesterday. C. W. Ashford appeared for the libellant and the libellee in person. The court, after hearing evidence, granted the divorce on the ground of non-support and ordered the libellee to pay the libellant's counsel a fee of \$50 and also to pay the costs of court. It was further ordered that the ownership and custody of the household furniture and effects be confirmed to the libellant.

COURT NOTES.

Carlos A. Long filed his bond in \$20,000 as administrator de bonis non with the will annexed of the estate of Robert William Holt, deceased, with John F. Colburn, Jas. F. Morgan and Antonio A. Long as sureties. Judge Robinson approved the amount of the penalty and the sufficiency of the sureties.

Identical demurrers to the pleas in abatement of defendants have been filed for plaintiff by its attorneys, Kinney, McClanahan & Cooper and C. A. Galbraith in the suit of Wm. W. Bierce, Ltd., vs. Clinton J. Hutchins, trustee, and Arthur B. Wood, William Waterhouse and Albert Waterhouse, executors of the estate of Henry Waterhouse.

Judge Robinson continued the trial of Emmett May, indicted at the May term for embezzlement, until Monday morning.

The ejectment case of Ching Man Sing vs. Mary A. Richards et al. goes to the jury before Judge De Bolt this morning, the matter of instructions having been arranged yesterday afternoon.

SEGREGATION TEST OPENS

Fact and Law at Issue. Contest for Money of Bankrupt.

A return by the president of the Board of Health, presented by the Attorney General, and a continuance till 10 o'clock this morning marked the progress of the segregation habeas corpus case in the United States District Court yesterday.

Lorrin Andrews, Attorney General of Hawaii, appeared for the respondent, President L. E. Pinkham of the Board of Health, who was also present. The petitioner, Emma L. Kaipu, daughter of the subject of the writ, was in court with her attorney, C. W. Ashford.

In the return, which Mr. Andrews read, it was stated that Mrs. Mikala Kaipu had been duly examined by the proper medical authorities and pronounced a fit subject for removal to the Settlement, and, further, that she had expressed her willingness to go there.

The Attorney General mentioned, aside, that by agreement with counsel for the petitioner and His Honor the body of the subject was not presented in court. Judge Dole nodded corroboration.

"This return raises an issue of fact," Judge Dole observed. "And an issue of law." Mr. Ashford responded, adding that he would like time to enter a demurrer. After some discussion the hearing was continued as already stated.

"Mr. Andrews, will the respondent hold this person named in the writ as in the custody of the United States?" the court inquired.

"Yes, sir," the Attorney General replied and the matter was passed for the day.

LAWYER VS. ESTATE.

Judge Dole made a statement regarding a dispute in the matter of the bankruptcy of H. C. Austin. The bankrupt's attorney claims a lien on the amount of his client's salary which accrued during his suspension from the office of Auditor of the Territory. This sum is held by the trustee in bankruptcy, who claims it as part of the assets of the estate for the benefit of the creditors. The attorney's claim is based on services in the recovery of the amount in dispute when the payment of his client's salary was refused. Judge Dole quoted the New York practice making the question depend on any agreement that might have been made between attorney and client, and continued the case until this morning for examination of the bankrupt as to any such agreement.

BANKRUPTCY.

Honolulu Clay Co., Ltd., was adjudicated bankrupt by Judge Dole yesterday.

Several bankruptcy matters were continued.

CHINESE FAIR

to be given

Saturday, Dec. 17,

1904.

From

11 a. m. to 9 p. m.

at the residence of **MR. AND MRS. W. M. GRAHAM** for the benefit of

St. Peter's Parish

Given under the auspices of the Church Parish assisted by their fellow churchmen.

Admission 25c

Children under 14 10c.

BASKETS, FANS.
Hawaiian South Sea BASKETS and FANS. Largest variety in the Islands.
Hawaii & South Seas Curio Co.
Alex. Young Bldg.

MANILA CIGARS IN TEA.

Or without. Just the thing for a Christmas present. Call at the HAWAIIAN TOBACCO CO., corner King and Bethel streets, and place your order for a box. Only a few left. New stocks of smokers' requisites just arrived.



THIS DAY

LOVELY CHRISTMAS GIFTS

WHAT BETTER THAN A NICE Fern and Palm

Auction Sale

FRIDAY, DEC. 9, 1904.

10 O'CLOCK A. M.

Ferns, Palms, Plants

I will sell at my salesroom, 847 Kaahumanu street, on above date fine collection of

FERNS, CALADIUMS, BEGONIAS, FAN PALMS, CROTONS, AWA TREES, ETC.

JAS. F. MORGAN, AUCTIONEER.

This Day,

Auction Sale

FRIDAY, DEC. 9, 1904.

10 O'CLOCK A. M.

Regular Friday Sale

At my salesroom, 847 Kaahumanu St. Furniture, Canned Goods, Poultry, Groceries, Potatoes, Crockeryware, Fruit, Buggies, Rice, Pianos, etc., etc.

JAS. F. MORGAN, AUCTIONEER.

AT AUCTION

THIS DAY

AT 12 O'CLOCK NOON.

At the store, King street, opposite the Oahu Railroad Depot, I will sell at Public auction General Merchandise damaged by fire and water.

JAS. F. MORGAN, AUCTIONEER.

FOR LEASE.

I have for lease one of the finest and most complete properties in the city for the purpose of a private hotel.

The property is in the heart of the city, within a few minutes' walk of the Postoffice and business district, is well kept and buildings are new and in good repair. There is a large main building with four roomy bedrooms, large dining room, wide halls, and verandas.

Two cottages containing 9 bedrooms, sitting rooms, etc. All rooms are connected with baths fitted with the latest sanitary improvements.

Bona fide applicants can view the property by obtaining an order at my office.

Tenant must be a responsible party who will take good care of the place. Apply to

JAMES F. MORGAN, 857 Kaahumanu Street.

FOR RENT.

Anapuni Street—Unfurnished.....\$25.00
Beretania Street—Furnished..... 50.00
Beretania Street—Unfurnished..... 22.00
Aloha Lane—Unfurnished..... 18.00
Lunalilo Street—Unfurnished..... 30.00
Waikiki Road—Unfurnished..... 18.00
Off Waikiki Road—Unfurnished..... 10.00

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One of the best business corners in Honolulu.

A money-making first-class rooming house.

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The Waimea Sugar Mill Co.
The Fulton Iron Works, St. Louis.
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The George F. Blake Steam Pumps.
Weston's Centrifugals.
The New England Mutual Life Insurance Co., of Boston.
The Aetna Insurance Co., of Hartford, Conn.
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BEAVER LUNCH ROOMS
E. J. WOLFE.

Harrison Mutual Burial Association of Honolulu

Has over 2,800 members. Has buried 102 members during the two years since its organization. \$4.50 entitles you a certificate in Class A, entitling you to all its benefits.

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HORSE CLIPPING.

Electric machine. Experienced man. Horses called for and returned without extra charge.

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Fort above Hotel St., Telephone Main 109.

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Groceries and Provisions

Manufacturers of Straw Hats.

IWAKAMI & CO.
HOTEL STREET.

Honolulu Candy Co.

New England Bakery

J. OSWALD LUTTED,
Hotel Street. Manager.

Roofs Repaired

BY **WM. T. PATY.**

Carpentry of all kinds attended to. Give us a call.

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103 South King, near Alakea. **MERCHANT TAILORS.**

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ALAKEA STREET.

A FINE NEW ASSORTMENT...

Direct from China.

GRASS LINEN

in all colors

also embroidered pieces for Shirts, etc.

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COURTEOUS TREATMENT.

PROMPT ATTENTION.

BEST QUALITY AND LOTS MORE

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COTTON BROS. & CO

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Plans and Estimates furnished for all classes of Contracting Work.

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